

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

GRAFICHE MILANI, S.P.A.,

PLAINTIFF,

- AGAINST -

ASSOULINE PUBLISHING, INC. AND  
ASSOULINE, INC.,

DEFENDANTS.

USDC SDNY  
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ELECTRONICALLY FILED  
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DATE FILED: 2/29/08

CASE MANAGEMENT PLAN

07 Civ. 10364 (PKL)

After consultation with counsel for the parties, the following Case Management Plan is adopted. This plan is also a scheduling order pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure.

- A. The case is not to be tried by a jury.
- B. Joinder of additional parties must be accomplished by May 1, 2008.
- C. Amended pleadings may not be filed without leave of Court.
- D. Discovery (in addition to the initial disclosures required by Fed. R. Civ. P. 26(a) which were served on or before March 5, 2008, and supplementary disclosures, if any, must be served by March 21, 2008):

1. Documents. First request for production of documents, if any, must be served by April 1, 2008. Further document requests may be served as required, but no document request may be served later than 30 days prior to the date of the close of discovery as set forth in item 6 below.

2. Interrogatories. Interrogatories pursuant to Rule 33.3(a) of the Local Civil Rules of the Southern District of New York must be served by May 15, 2008. No other interrogatories are permitted except under prior express permission of Judge Leisure. No Rule 33.3(a)

interrogatories need be served with respect to disclosures automatically required by Fed. R. Civ. P. 26(a).

3. Experts. Every party-proponent of a claim (including any counterclaim, cross-claim, or third-party claim) that intends to offer expert testimony in respect of such claim must make the disclosures required by Fed. R. Civ. P. 26(a)(2) by June 16, 2008. Every party-opponent of such claim that intends to offer expert testimony in opposition to such claim must make the disclosures required by Fed. R. Civ. P. 26(a)(2) by July 15, 2008. No expert testimony (whether designated as "rebuttal" or otherwise) will be permitted by other experts or beyond the scope of the opinions covered by the aforesaid disclosures except upon prior express permission of the Court, application for which must be made no later than 10 days after the date specified in the immediately preceding sentence. All experts may be deposed, but such depositions must occur within the time limit for all depositions set forth below.

4. Depositions. All depositions (including any expert depositions, see item 3 above) must be completed by August 22, 2008. Unless counsel agree otherwise or the Court so orders, depositions shall not commence until all parties have completed the initial disclosures required by Fed. R. Civ. P. 26(a)(1) or until four weeks from the date of this Order, whichever is earlier. Depositions shall proceed concurrently, with no party having priority, and no deposition shall extend beyond one business day without prior leave of the Court.

5. Requests to Admit. Requests to Admit, if any, must be served by September 2, 2008. Response to Requests to Admit, if any, must be served by September 23, 2008.

6. All discovery is to be completed by September 2, 2008. Interim deadlines for items 1-5 above may be extended by the parties on consent without application to the Court, provided the

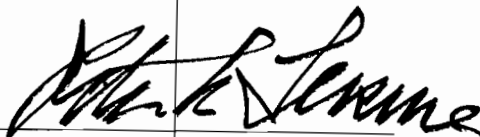
parties are certain they can still meet the discovery completion date set forth in this paragraph, which shall not be adjourned except upon a showing to the Court of extraordinary circumstances.

E. Post-discovery summary judgment motions in the form prescribed by the Court's Individual Rules of Practice may be brought after a pre-motion conference has been requested by the intended moving party. Motion filing schedules will be set at the pre-motion conference. The parties are instructed to furnish chambers with courtesy copies of all motion papers at the same time as their exchange among the parties.

F. A final pre-trial conference shall be held on \_\_\_\_\_ [date to be inserted by the Court], at which time the Court shall set a firm trial date. The timing and other requirements for the Joint Practice Order and/or other pre-trial submissions shall be governed by the Court's Individual Rules of Practice.

G. All motions and applications shall be governed by Judge Leisure's Individual Rules of Practice. Counsel shall promptly familiarize themselves with all of the Court's Individual Rules, as well as with the Local Rules for the United States District Court for the Southern District of New York.

SO ORDERED:

  
\_\_\_\_\_  
Judge Peter K. Leisure  
United States District Judge

DATED: New York, New York  
~~March~~, 2008

*Feb. 29*